

CHUN, KERR, DODD, BEAMAN & WONG,  
A Limited Liability Law Partnership

LEROY E. COLOMBE #3662-0  
745 Fort Street, 9<sup>th</sup> Floor  
Honolulu, HI 96813  
Telephone: 528-8200  
Facsimile: 536-5869  
Email: lcolombe@ckdbw.com

Attorneys for Defendant  
FOODLAND SUPER MARKET, LIMITED

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen, ) CASE NO. 03-CV-00385 SOM/LEK  
                                       ) (Copyright)  
                                       )  
Plaintiff, ) DEFENDANT FOODLAND SUPER  
vs.             ) MARKET, LIMITED'S **STATEMENT**  
HAWAIIAN EXPRESS SERVICE, ) **OF NO POSITION** ON DEFENDANTS  
INC., et al., ) C&S WHOLESALE GROCERS INC.,  
                                       ) C&S ACQUISITION LLC, C&S  
Defendants. ) LOGISTICS LLC, ES3 LLC AND  
                                       ) RICHARD COHEN FOR AWARD OF  
                                       ) ATTORNEYS' FEES AND FULL  
                                       ) COSTS FILED MARCH 23, 2006;  
                                       ) CERTIFICATE OF SERVICE  
                                       )  
                                       )  
                                       ) [Non-Hearing Motion]  
                                       )  
                                       )

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DEFENDANT FOODLAND SUPER MARKET, LIMITED'S STATEMENT  
OF NO POSITION ON DEFENDANTS C&S WHOLESALE GROCERS INC., C&S  
ACQUISITION LLC, C&S LOGISTICS LLC, ES3 LLC AND RICHARD COHEN  
FOR AWARD OF ATTORNEYS' FEES AND FULL COSTS FILED MARCH 23, 2006

Defendant Foodland Super Market, Limited, by its attorneys, hereby states that it takes no position with respect to Defendants C&S Wholesale Grocers Inc., C&S Acquisition LLC,

C&S Logistics LLC, ES3 LLC and Richard Cohen for Award of Attorneys' Fees and Full Costs, filed herein on March 23, 2006, pursuant to L.R. 7.4 of the Rules of the United States District Court for the District of Hawaii.

DATED: Honolulu, Hawaii, April 12, 2006.

/s/ Leroy E. Colombe

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LEROY E. COLOMBE  
CHUN, KERR, DODD, BEAMAN & WONG,  
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Attorney for Defendant  
FOODLAND SUPER MARKET, LIMITED